

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

BRANDON PHILLIP STULL,

Plaintiff,

v.

SHERIFF DAVID MAHONEY
and DANE COUNTY,

Defendants.

ORDER

Case No. 18-cv-571-wmc

Plaintiff Brandon Phillip Stull is proceeding in this lawsuit under 42 U.S.C. § 1983 on claims that defendants, former Sheriff David Mahoney and Dane County, violated his constitutional rights during his periods of confinement at the Dane County Jail. On April 5, 2022, defendants filed a motion to dismiss on the ground that plaintiff indicated an intent to dismiss his claims in this lawsuit and then since failed to respond to any further written communications with defense counsel that would finalize the dismissal of this case. (Dkt. #21.) The court set April 15, 2022, as plaintiff's deadline to respond to that motion. That deadline has passed, and plaintiff has not responded to that motion or communicated with the court suggesting that he intends to do so and needs more time. Therefore, it appears that plaintiff has indeed abandoned his claims in this lawsuit. Before dismissing this action, however, the court will give plaintiff an opportunity to avoid dismissal by opposing defendants' motion. Plaintiff is advised that if he fails to meet the new deadline set forth below, the court will dismiss his claims in this lawsuit with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).

ORDER

IT IS ORDERED that:

1. Plaintiff Brandon Stull has until **May 31, 2022**, to respond to defendants' motion to dismiss.
2. **Plaintiff is advised that if he fails to respond as directed, this court will dismiss his claims in this lawsuit with prejudice for failure to prosecute, pursuant to Federal Rule of Civil Procedure 41(b).**

Entered this 16th day of May, 2022.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge